



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,300	08/22/2000	Taro Suito	450100-02655	8374
20999	7590	11/07/2003		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER MICHALSKI, JUSTIN I	
			ART UNIT 2644	PAPER NUMBER 7
DATE MAILED: 11/07/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/643,300

Applicant(s)

SUITO ET AL.

Examiner

Justin Michalski

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-20 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. Figures 3-12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2644

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schorman et al. (US Patent 5,157,728) in view of Unno et al. (US Patent 6,076,063).

Regarding Claim 1, Schorman et al. discloses a sound reproduction method comprising the steps of: delimiting a reproduction input sound signal into successive processing unit periods (Schorman et al. discloses the signal comprising a digital signal (Column 2, line 14-15) which inherently is delimited into sample units); deleting a sound absence portion or portions of the reproduction input sound signal within a range (Schorman discloses removing (i.e. deleting) pauses (i.e. sound absence) (Column 4, lines 53-56) within which a reproduction output sound signal of an amount corresponding to that at the normal speed (Schorman et al. discloses inputting signals at an input rate and producing an output rate (Column 1, lines 39-42) is obtained from an output buffer (Buffer 26) to join sound presence portions of the reproduction input sound signal which precede and follow the sound absence portion or portions to obtain a joined reproduction input sound signal for each processing unit period (Schorman discloses producing an output rate (Column 1, lines 36-42) which would include successive periods); partly deleting, if a sound presence portion or portions of an amount which cannot be stored into said output buffer are included in the reproduction input sound signal of any of the processing unit periods, the sound presence portion or portions to join sound presence portions which precede and follow the sound absence portion or portions and compressing the reproduction input sound signal of the processing unit period to obtain a compressed reproduction input sound signal of the

Art Unit: 2644

processing unit period (Schorman discloses predetermined criteria for removing data from buffer 27 (Column 3, lines 26-36) and producing an output rate (column 1, line 41) which inherently consists of successive periods); and writing the joined reproduction input sound signal or the compressed reproduction input signal for each processing unit period into said output buffer (buffer 26 and 27). Schorman et al. does not disclose the signal being obtained from a recording medium at a speed higher than a normal speed. Unno et al. discloses a sound recording system teaching that data can be stored at a higher speed than when recorded which is convenient for rapid copying (Column 8, lines 34-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the method as disclosed by Fukuda could comprise of data on a recording medium written at a higher speed than normal in order to copy data at a more efficient speed.

Regarding Claim 4, Schorman et al. further discloses processing periods with clock signals (i.e. fixed time) (Column 2, lines 27-28).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorman et al. as modified as applied to claim 1 above, and further in view of Suzuki (US Patent 6,169,240). Schorman et al. as modified discloses a method as stated in claim 1 but does not disclose the use of fade-out or fade-in. Suzuki discloses a sound generation device that uses cross fading to provide a smooth waveform variation (Column 12, lines 55-57). One of ordinary skill in the art at the time the invention was would know cross fading consists of fading out a preceding signal while fading in a

following signal. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a fade-in and fade-out in order to provide a smooth waveform transition as taught by Suzuki for a more pleasant audio signal.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorman et al. as modified as applied to claim 1 above, and further in view of Suzuki (US Patent 6,169,240). Schorman et al. as modified discloses a method as stated in claim 1 but does not disclose the use of cross fading. Suzuki discloses a sound generation device that uses cross fading to provide a smooth waveform variation (i.e. minimize sound presence during fade period) (Column 12, lines 55-57). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a fade-in and fade-out in order to provide a smooth waveform transition as taught by Suzuki for a more pleasant audio signal.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schorman et al. as modified as applied to claim 1 above, and further in view of Li et al. (US Patent 6,310,652). Schorman et al. as modified discloses a method as stated in claim 1 but does not disclose time adjustment to synchronize a video output. Li et al. discloses a system for decompressing an audio stream and synchronizing the signal with a video signal by making adjustments in the audio channel (which including buffer 124) (Column 13, lines 1-10) for a correctly synchronized signal. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the

audio signal could be synchronized to a video signal as taught by Li et al. in order to produce a accurate synchronized audio and video signal.

***Allowable Subject Matter***

8. Claims 5-7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 9-20 allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Michalski whose telephone number is (703)305-5598. The examiner can normally be reached on 8 Hours, 5 day/week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

JIM

  
XU MEI  
PRIMARY EXAMINER